

U.S. District Court – District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:18-cv-00314-WJM-STV

Rocky Mountain Wild v. United States Bureau of Land
Management et al
Assigned to: Judge William J. Martinez
Referred to: Magistrate Judge Scott T. Varholak
Cause: 05:552 Freedom of Information Act

Date Filed: 02/08/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act of 1974
Jurisdiction: U.S. Government Defendant

Plaintiff

Rocky Mountain Wild, Inc.
a Colorado non-profit corporation

represented by **Matthew David Sandler**
Rocky Mountain Wild
1536 Wynkoop Street
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303-579-5162
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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V.

Defendant

**United States Bureau of Land
Management**
a federal agency

represented by **Lauren Marie Dickey**
U.S. Attorney's Office-Denver
1801 California Street
Suite 1600
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303-454-0188
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ATTORNEY TO BE NOTICED

Defendant

United States Department of Interior
a federal agency

represented by **Lauren Marie Dickey**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/08/2018	<u>1</u>	COMPLAINT against Bureau of Land Management, Department of Interior (Filing fee \$ 400, Receipt Number 1082-5936742) Attorney Matthew David Sandler added to party Rocky Mountain Wild(pty:pla), filed by Rocky Mountain Wild. (Attachments: # <u>1</u> Exhibit 1 FOIA Request, # <u>2</u> Exhibit 2 December 5 Response, # <u>3</u> Exhibit 3 December 28 Response, # <u>4</u> Civil Cover Sheet, # <u>5</u> Summons BLM, # <u>6</u> Summons DOI, # <u>7</u> Summons USAG, # <u>8</u> Summons USAO)(Sandler, Matthew) (Entered: 02/08/2018)

02/08/2018	<u>2</u>	Case assigned to Judge William J. Martinez and drawn to Magistrate Judge Scott T. Varholak. Text Only Entry. (cmadr,) (Entered: 02/08/2018)
02/08/2018	<u>3</u>	Magistrate Judge consent form issued pursuant to 28 U.S.C. 636(c). (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons) (cmadr,) (Entered: 02/08/2018)
02/09/2018	<u>4</u>	NOTICE OF CASE ASSOCIATION by Matthew David Sandler on behalf of Rocky Mountain Wild, Inc. (Sandler, Matthew) (Entered: 02/09/2018)
02/12/2018	<u>5</u>	ORDER REFERRING CASE to Magistrate Judge Scott T. Varholak. Magistrate Judge Varholak, or such other Magistrate Judge who may in the future be reassigned to this case, is designated to conduct NDISPO proceedings pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed.R.Civ.P. 72(a) and (b). ALSO ORDERED that unless service has otherwise been completed or arranged, Plaintiff's counsel is directed to effect service of the summons and complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure no later than 30 days from the date of this Referral Order, in order for the initial scheduling conference to be held promptly. Court sponsored alternative dispute resolution is governed by D.C.COLO.LCivR 16.6. On the recommendation or informal request of the Magistrate Judge or on the request of the parties by motion, the court may direct the parties to engage in an early neutral evaluation, a settlement conference, or another alternative dispute resolution proceeding. SO ORDERED by Judge William J. Martinez on 2/12/2018. Text Only Entry (wjmssec,) (Entered: 02/12/2018)
02/12/2018	<u>6</u>	ORDER: Counsel for the parties and all counsel who may later enter an appearance shall review and familiarize themselves with the undersigned's Revised Practice Standards (as most recently revised effective December 1, 2017 and as they may be amended from time to time), which may be downloaded here. SO ORDERED by Judge William J. Martinez on 2/ 12/2018. Text Only Entry (wjmssec,) (Entered: 02/12/2018)
03/21/2018	<u>7</u>	Joint MOTION for Extension of Time to <i>file Amended Complaint and Responsive Pleading</i> by Plaintiff Rocky Mountain Wild, Inc.. (Sandler, Matthew) (Entered: 03/21/2018)
03/22/2018	<u>8</u>	NOTICE of Entry of Appearance by Lauren Marie Dickey on behalf of United States Bureau of Land Management, United States Department of Interior Attorney Lauren Marie Dickey added to party United States Bureau of Land Management(pty:dft), Attorney Lauren Marie Dickey added to party United States Department of Interior(pty:dft) (Dickey, Lauren) (Entered: 03/22/2018)
03/22/2018	<u>9</u>	MEMORANDUM regarding <u>7</u> Joint MOTION for Extension of Time to <i>file Amended Complaint and Responsive Pleading</i> filed by Rocky Mountain Wild, Inc.. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 3/22/2018. Text Only Entry (wjmssec,) (Entered: 03/22/2018)
03/22/2018	<u>10</u>	ORDER granting <u>7</u> Motion for Extension of Time to File Amended Complaint and Response. Plaintiffs are granted leave to file an amended complaint on or before April 3, 2018. Defendants shall file their response to the Amended Complaint on or before April 24, 2018. SO ORDERED, by Magistrate Judge Scott T. Varholak on 3/22/2018. Text Only Entry (stvlc1,) (Entered: 03/22/2018)
03/26/2018	<u>11</u>	ORDER Setting Scheduling Conference for 5/30/2018 11:00 AM in Courtroom C203 before Magistrate Judge Scott T. Varholak, by Magistrate Judge Scott T. Varholak on 3/26/2018. (jgonz,) (Entered: 03/26/2018)
04/03/2018	<u>12</u>	AMENDED COMPLAINT against United States Bureau of Land Management, United States Department of Interior, filed by Rocky Mountain Wild, Inc.. (Attachments: # <u>1</u> Amended Complaint, # <u>2</u> Exhibit Exhibit 4 _ March 6 Response)(Sandler, Matthew) (Entered: 04/03/2018)
04/24/2018	<u>13</u>	Partial MOTION to Dismiss for Failure to State a Claim , Partial MOTION to Dismiss for Lack of Jurisdiction by Defendants United States Bureau of Land Management, United States Department of Interior. (Attachments: # <u>1</u> Exhibit)(Dickey, Lauren) (Entered: 04/24/2018)

05/15/2018	<u>14</u>	RESPONSE to <u>13</u> Partial MOTION to Dismiss for Failure to State a Claim Partial MOTION to Dismiss for Lack of Jurisdiction filed by Plaintiff Rocky Mountain Wild, Inc.. (Attachments: # <u>1</u> Exhibit)(Stills, Travis) (Entered: 05/15/2018)
05/17/2018	<u>15</u>	Joint MOTION to Vacate <u>11</u> Order <i>Setting Scheduling Conference and Related Deadlines</i> by Defendants United States Bureau of Land Management, United States Department of Interior. (Dickey, Lauren) (Entered: 05/17/2018)
05/17/2018	16	MEMORANDUM regarding <u>15</u> Joint MOTION to Vacate <u>11</u> Order <i>Setting Scheduling Conference and Related Deadlines</i> filed by United States Department of Interior, United States Bureau of Land Management. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 5/17/2018. Text Only Entry (wjmsc,) (Entered: 05/17/2018)
05/17/2018	17	ORDER granting <u>15</u> Joint Motion to Vacate Scheduling Conference and Related Deadlines. The Scheduling Conference for 5/30/2018 11:00 AM is VACATED. Within ten days after the ruling on <u>13</u> Defendants' Partial MOTION to Dismiss, counsel for the parties shall jointly contact chambers at 303.335.2365 to reset the Scheduling Conference. A Status Conference is set for 11/16/2018 09:00 AM in Courtroom C203 before Magistrate Judge Scott T. Varholak. SO ORDERED, by Magistrate Judge Scott T. Varholak on 5/17/2018. Text Only Entry (stvlc1,) (Entered: 05/17/2018)
05/29/2018	<u>18</u>	REPLY to Response to <u>13</u> Partial MOTION to Dismiss for Failure to State a Claim Partial MOTION to Dismiss for Lack of Jurisdiction filed by Defendants United States Bureau of Land Management, United States Department of Interior. (Dickey, Lauren) (Entered: 05/29/2018)
11/16/2018	<u>19</u>	MINUTE ENTRY for Status Conference held before Magistrate Judge Scott T. Varholak on 11/16/2018. ORDERED: Parties shall contact Magistrate Judge Varholak chambers at (303)335-2365 ten days upon the Motion [Doc. No. 13] being ruled on to set this for hearing. FTR: STV - 402. (morti,) (Entered: 11/16/2018)
01/16/2019	<u>20</u>	ORDER: 1. Defendants' Partial Motion to Dismiss <u>13</u> is GRANTED; 2. U.S. Magistrate Judge Scott T. Varholak shall determine the effect, if any, of the current partial government shutdown on Defendants' ability to proceed with this case and may enter appropriate scheduling or other orders; and 3. Assuming Defendants may currently proceed with the lawsuit, or at the time that they may, the parties are strongly encouraged to consider the utility of requesting a settlement conference before the Magistrate Judge, considering the relatively narrow scope of the remaining dispute. SO ORDERED by Judge William J. Martinez on 01/16/2019. (wjmlc1) (Entered: 01/16/2019)
01/17/2019	21	MINUTE ORDER This matter is set for a Status Conference on 2/25/2019 09:30 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. SO ORDERED, by Magistrate Judge Scott T. Varholak on 1/17/2019. Text Only Entry (stvlc1,) (Entered: 01/17/2019)
02/22/2019	22	MINUTE ORDER Per the request of the parties, the Status Conference set for 2/25/2019 09:30 AM is VACATED and RESET for 3/12/2019 10:30 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. SO ORDERED, by Magistrate Judge Scott T. Varholak on 2/22/2019. Text Only Entry (stvlc1,) (Entered: 02/22/2019)
03/12/2019	<u>23</u>	MINUTE ENTRY for Status Conference held before Magistrate Judge Scott T. Varholak on 3/12/2019. Status Report due on or before 5/1/2019. FTR: 402. (morti,) (Entered: 03/12/2019)
05/01/2019	<u>24</u>	Joint STATUS REPORT by Defendants United States Bureau of Land Management, United States Department of Interior. (Dickey, Lauren) (Entered: 05/01/2019)
05/01/2019	25	MINUTE ORDER. Pursuant to <u>24</u> Status Report, the parties shall file an additional Status Report on or before 5/22/2019, advising the Court whether there is any basis to continue settlement discussions, or alternatively, proposing an agreed-upon summary judgment schedule or requesting a status conference to address scheduling matters. SO ORDERED, by Magistrate Judge Scott T. Varholak on 5/1/2019. Text Only Entry (stvlc2,) (Entered: 05/01/2019)

05/22/2019	<u>26</u>	Joint STATUS REPORT by Defendants United States Bureau of Land Management, United States Department of Interior. (Dickey, Lauren) (Entered: 05/22/2019)
05/23/2019	27	MINUTE ORDER This matter is before the Court on <u>26</u> Joint Status Report. Plaintiff's portion of the Joint Status Report was prepared prior to Plaintiff's counsel being provided a draft of Defendant's portion of the Joint Status Report, and thus Plaintiff does not directly respond to Defendant's proposal "to take additional steps to respond to concerns raised by Plaintiff." Accordingly, on or before 5/30/2019, Plaintiff shall file a response to Defendant's portion of the Joint Status Report. SO ORDERED, by Magistrate Judge Scott T. Varholak on 5/23/2019. Text Only Entry (stvlc1,) (Entered: 05/23/2019)
05/31/2019	<u>28</u>	RESPONSE to Status Report by Plaintiff Rocky Mountain Wild, Inc.. (Attachments: # <u>1</u> Exhibit)(Stills, Travis) (Entered: 05/31/2019)
05/31/2019	29	MINUTE ORDER. Status Conference set for 6/6/2019 10:30 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. SO ORDERED, by Magistrate Judge Scott T. Varholak on 5/31/2019. Text Only Entry (stvlc2,) (Entered: 05/31/2019)
06/05/2019	30	MINUTE ORDER Per the request of the parties, the Status Conference set for 6/6/2019 10:30 AM is VACATED and RESET for 6/25/2019 10:30 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. The parties may participate in the conference telephonically by initiating a call among all individuals participating by telephone and then calling the Court at 303.335.2365 at the scheduled time. SO ORDERED, by Magistrate Judge Scott T. Varholak on 6/05/2019. Text Only Entry (stvlc1,) (Entered: 06/05/2019)
06/25/2019	<u>31</u>	MINUTE ENTRY for Status Conference held before Magistrate Judge Scott T. Varholak on 6/25/2019. FTR: 402. (morti,) (Entered: 06/25/2019)
06/25/2019	<u>32</u>	Joint MOTION to Amend/Correct/Modify <i>Briefing Schedule</i> by Plaintiff Rocky Mountain Wild, Inc.. (Sandler, Matthew) (Entered: 06/25/2019)
06/25/2019	33	MEMORANDUM regarding <u>32</u> Joint MOTION to Amend/Correct/Modify <i>Briefing Schedule</i> filed by Rocky Mountain Wild, Inc.. Motions referred to Magistrate Judge Scott T. Varholak by Judge William J. Martinez on 6/25/2019. Text Only Entry (wjmsc,) (Entered: 06/25/2019)
06/26/2019	34	ORDER granting <u>32</u> Motion to Amend Briefing Schedule. Defendants shall file their Summary Judgment Brief by 7/19/2019, and Plaintiff shall then file its response to Defendants' Motion and Cross-Motion for Summary Judgment by 8/20/2019. Defendants shall file their response to Plaintiff's Cross-Motion and Reply in support of their Motion for Summary Judgment by 9/27/2019, and Plaintiff may then file a reply in support of its Cross-Motion for Summary Judgment by 10/17/2019. SO ORDERED, by Magistrate Judge Scott T. Varholak on 6/26/2019. Text Only Entry(stvlc1,) (Entered: 06/26/2019)
07/19/2019	<u>35</u>	MOTION for Summary Judgment by Defendants United States Bureau of Land Management, United States Department of Interior. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Dickey, Lauren) (Entered: 07/19/2019)
08/20/2019	<u>36</u>	RESPONSE to <u>35</u> MOTION for Summary Judgment filed by Plaintiff Rocky Mountain Wild, Inc.. (Attachments: # <u>1</u> Exhibit BLM0004510-4514, # <u>2</u> Exhibit BLM0004520, # <u>3</u> Exhibit March 2018 Leasing DNA, # <u>4</u> Exhibit RMP FEIS List of Preparers, # <u>5</u> Exhibit July 19, 2019 Docs Part 1, # <u>6</u> Exhibit July 19, 2019 Redacted Docs, # <u>7</u> Exhibit 18-cv-1643 AR Index, # <u>8</u> Exhibit Email Thread 003, # <u>9</u> Exhibit Colorado's March 2018 Sale, # <u>10</u> Exhibit Plaintiff's April 26 Letter)(Sandler, Matthew) (Entered: 08/20/2019)
08/20/2019	<u>37</u>	Cross MOTION for Summary Judgment by Plaintiff Rocky Mountain Wild, Inc.. (Sandler, Matthew) (Entered: 08/20/2019)
09/27/2019	<u>38</u>	REPLY to Response to <u>35</u> MOTION for Summary Judgment filed by Defendants United States Bureau of Land Management, United States Department of Interior. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Dickey, Lauren) (Entered: 09/27/2019)
09/27/2019	<u>39</u>	RESPONSE to <u>37</u> Cross MOTION for Summary Judgment filed by Defendants United States Bureau of Land Management, United States Department of Interior.

		(Attachments: # <u>1</u> Exhibit)(Dickey, Lauren) (Entered: 09/27/2019)
10/17/2019	<u>40</u>	REPLY to Response to <u>37</u> Cross MOTION for Summary Judgment filed by Plaintiff Rocky Mountain Wild, Inc.. (Sandler, Matthew) (Entered: 10/17/2019)